GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Mines and Geology – Report on quarry leases held by Sri B.M.J. Apparao for Rough stone & Gravel over extent of 28.940 hect., in Sy.No.96 of Erukunaidupalem Village and Smt. P.Gnaneswari for Rough stone & Gravel over extent of 38.000 ha in Sy.No.73 of Erukunaidupalem Village of Sabbavaram Mandal, Visakhapatnam District – Sri G. Bairaginaidu, the then Asst. Director of Mines & Geology, Visakhapatnam (under suspension) – Departmental Proceedings under Rule -20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 – Articles of charges – issued.

Industries & Commerce (Vigilance) Department

G.O. Rt. No.52

Date:25.02.2022
Read the following:

1. From the JD, O/o the DMG, Ibrahimpatnam Lr.No.5024955/EQR/2021-22, dt.30.09.2021.
2. Physical file received from the O/o the DMG, dt.08.10.2021.
3. G.O.Rt.No.172, Ind.&Com.(Vig.)Dept.,dt:20.10.2021.
4. From DMG, Letter No.5024955/E-Vg/2021 dt:05.11.2021
5. G.O.Rt.No.46, Ind.&Com.(Vig.)Dept., dt:25.02.2022.

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ORDER:-

It is proposed to hold an enquiry against Sri G. Bairaginaidu, the then Asst. Director of Mines & Geology, Visakhapatnam, in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputation of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehaviour in support of each article of charge is enclosed(Annexure-II). A list of documents by which and a list of oral by whom the articles of charge are proposed to be sustained are also enclosed.

3. Sri G. Bairaginaidu, the then Asst. Director of Mines & Geology, Visakhapatnam is directed to submit his written statement of defense within ten days of the receipt of this order and also state whether he desires to be heard in person.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri G. Bairaginaidu, the then Asst. Director of Mines & Geology, Visakhapatnam is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control, and Appeal) Rules, 1991 or orders/ directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri G. Bairaginaidu, the then Asst. Director of Mines & Geology, Visakhapatnam, is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such

(P.T.O)

a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri G. Bairaginaidu, Asst. Director of Mines & Geology, Viziangaram (under Suspension), (w.e, Annexures-I to IV) through the Director of Mines And Geology Department, Vijayawada (with a request to serve the order on the individual and send the served copy with dated signature to Government).
The Director of Mines & Geology, B Block (Vth and VIth Floors), Anjaneya Towers, Ibrahimpatnam, Vijayawada, Krishna District.

Copy To
The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Velagapudi.

Sc/Sf.

Hold file

//FORWARDED:: BY ORDER//

K. Radha
SECTION OFFICER

ANNEXURE-I

ARTICLE OF CHARGES FRAMED AGAINST SRI G.BAIRAGINAIDU, THE THEN ADM&G, VISAKHAPATNAM.

That, Sri G. Bairaginaidu, while working as Asst. Director of Mines & Geology, Visakhapatnam the following irregularities have taken place:

Charge-I:

That, Sri G. Bairaginaidu, the then as Asst. Director of Mines & Geology, Visakhapatnam issued transit permits to the lease holder without AMP, Environmental clearance, CFE and CFO, in respect of the lease held by Sri B.M.J. Apparao, for Rough stone & Gravel over extent of 28.940 hect., in Sy.No.96 of Erukunaidupalem Village, Sabbavaram Mandal, Visakhapatnam District.

Charge-II:

That, Sri G. Bairaginaidu, the then as Asst. Director of Mines & Geology, Visakhapatnam, issued transit permits to the lease holder without AMP, Environmental clearance, CFE and CFO, in respect of the lease held by Smt. P. Gnaneswari, for Rough stone & Gravel over extent of 38.000 Hect., in Sy.No.73 of Erukunaidupalem Village, Sabbavaram Mandal, Visakhapatnam District.

Thus, Sri G. Bairaginaidu, the then as Asst. Director of Mines & Geology, Visakhapatnam, by his above mentioned acts failed to take all possible steps to ensure the integrity and devotion to duty of his subordinate who is under control and authority and thereby contravened Rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT IN SUPPORT OF THE ARTICLE OF CHARGES FRAMED AGAINST SRI G.BAIRAGINAIDU, THE THEN ADM&G, VISAKHAPATNAM.

That, Sri G. Bairaginaidu, while working as Asst. Director of Mines & Geology, Visakhapatnam, has issued transit permits in respect of the leases held by B.M.J. Apparao, for Rough stone & Gravel over extent of 28.940 hect., in Sy.No.96 of Erukunaidupalem Village, Sabbavaram Mandal, Visakhapatnam District, and Smt. P. Gnaneswari, for Rough stone & Gravel over extent of 38.000 Hect., in Sy.No.73 of Erukunaidupalem Village, Sabbavaram Mandal, Visakhapatnam District.

The following rules and circulars were in force at the time of grant of Quarry leases to Sri B.M.J. Apparao and Smt P. Gnaneswari:

1. As per MoEF Notification S.O.2731 (E), Dt:09.09.2013 under column 4 it has been mandated that < 50 Ha of mining lease area in respect of minor minerals mine lease need to obtain Environmental Clearance.
2. Instructions of the DM&G vide Cir Memo No.911/P/2014, Dt:21.02.2015 to all the DDM&G's and ADM&G's in the State.
3. The MoEF GoI, vide Notification No.141(E), dt.15-01-2016 have constituted District Level Environmental Impact Assessment Authorities for speedy disposal of Environmental Clearances.
4. The Government of India guidelines for constitution of District Level Environmental Impact Assessment Authorities and other guidelines for issue of Environmental Clearances for Minor Mineral leases for an extent of less than 5.000 Hectares etc., and Mining Plan has become a pre-requisite for obtaining Environmental Clearance.
5. The GoAP vide G.O.Ms.No.56, Ind. & Comm. (M.II) Dept., dt.30-04-2016 has amended APMMC Rules, 1966, duly inserting the Rule 7 (A)(ii). The true extract of Rule 7(A)(ii) of APMMC Rules, 1966 is as follows:

   "Mining Plan shall be prepared by a Recognized Qualified Person (RQP) in accordance with in Form–T for Minor Minerals other than Granite and Marble and submit to the authority authorized in this behalf for approval duly paying an amount of Rs.1,000/- towards processing fee."

6. The DMG, vide Circular Memo No.38236/P1/2009 dt.06.07.2010 has issued instructions that co-ordinates for the surveyed and demarcated area may be recorded on the sketch with proper indexing for all angular bearings and any other structure located in the vicinity.

All the above-mentioned rules shall apply to Sri B.M.J.Apparao and Smt P. Gnaneswari as the quarry leases were granted on 13.10.2016 after the publication of above mentioned G.O.Ms.No.56, Industries and Commerce (M.II) Department, dt.30-04-2016 & MoEF, GoI, Notification No.141(E), dt.15-01-2016.

The Sri G. Bairaginaidu, while working as Asst. Director of Mines & Geology, Visakhapatnam, issued permits from 18.06.2020 to 07.08.2020 to Sri B.M.J. Appa Rao for Gravel without obtaining Environmental clearance, CFE & CFO.

The Sri G. Bairaginaidu, while working as Asst. Director of Mines & Geology, Visakhapatnam, issued permits from 07.05.2020 to 20.08.2020 to Smt P. Gnaneswari for Gravel without obtaining Environmental clearance, CFE & CFO.

Thus, the Government Servant by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3 (1) (2) of APCS (Conduct) Rules, 1964.

Thus, the Government Servant has therefore rendered himself liable for departmental action for major penalty for his misconduct.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE-III

DOCUMENTARY EVIDENCE:-

1.	The MoEF Notification S.O.2731 (E), Dt:09.09.2013.
2	The Director of Mines & Geology, Circular Memo No.911/P/2014, Dt:21.02.2015.
3.	The EC's Notification No.141(E), dt.15-01-2016.
4.	The GoAP G.O.Ms.No.56, Ind. & Comm. (M.II) Dept., dt.30-04-2016
5.	The DMG, Circular Memo No.38236/P1/2009 dt.06.07.2010.
6.	The Deputy Director of Mines & Geology, Visakhapatnam Pro. No.4237/QIV/2016, dt:13.10.2016.
7.	The Deputy Director of Mines & Geology, Visakhapatnam Pro. No.4236/QIV/2016, dt:13.10.2016.
8.	Details of dispatch permits issued to Sri B.M.J. Apparao.
9.	Details of dispatch permits issued to Smt. P. Gnaneswari.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE-IV

List of Witnesses:

1.	Śri Ch. Surya Chandra Rao, Deputy Director of Mines & Geology(FAC), Visakhapatnam.
2.	Sri S.P.K. Malleswara Rao, Asst. Geologist, O/o Asst. Director of Mines & Geology, Visakhapatnam.

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PRINCIPAL SECRETARY TO GOVERNMENT